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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/769,432	01/26/2001	Tetsuo Masubuchi	0649-0771P	5407

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EXAMINER

ROBERTSON, JEFFREY

ART UNIT	PAPER NUMBER
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1712

DATE MAILED: 08/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/769,432

Applicant(s)

MASUBUCHI ET AL.

Examiner

Jeffrey B. Robertson

Art Unit

1712

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5,6 and 11 is/are rejected.
- 7) ☒ Claim(s) 3,4,7,8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 5, 6, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tomida et al. (English Translation of JP-04-114059) in view of Willems et al. (U.S. Patent No. 6,462,132).

Applicant cannot rely upon the foreign priority papers to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15.

For claims 1 and 5, Tomida teaches a thermoplastic polyester resin composition that is obtained by blending 100 parts by weight of a polyester with 0.5 to 100 parts by weight of an epoxy group containing olefinic copolymer, and 5-150 parts by weight of an ethylene-propylene copolymer rubber. For claim 2, the Tomida teaches that this modified olefinic resin is an olefin copolymerized with glycidyl methacrylate. See page 4, lines 1-11 of the translation. On page 4, lines 16-26 of the translation, Tomida teaches that the polyesters are derived from aromatic dicarboxylic acids and a mixture of diol components including polyether components. However, Tomida does not specifically teach the polyester-polyether block copolymers now set forth in independent claim 1.

For claims 1, 6 and 11, Willems teaches polyester block copolymers that have hard segments containing aromatic polyester units and soft segments comprising aliphatic polyether units. Col. 2, lines 22-65. Here, Willems teaches that the soft polyether segments have molecular weights of 400-6000 and have tetramethylene oxide segments. The hard block aromatic polyester segments are derived from and aromatic diacid and a short chain diol. Willems does not specifically teach the melting point of the polymer blocks. However, the examiner's position is that the melting point would be inherently low for the soft segments and inherently high for the hard segments.

Willems and Tomida are analogous art in that they both come from the same field of endeavor, namely thermoplastic polyester molding compositions. It would have been obvious to one of ordinary skill in the art at the time of the invention to use the polyester/polyether block copolymers of Willems in the compositions of Tomida. The motivation would have been that Willems teaches an improvement in adhesion to substrates through the use of the composition. Therefore, one of ordinary skill in the art would have substituted the polyesters of Tomida with those of Willems to obtain this advantage.

Response to Arguments

3. Applicant's arguments with respect to claims 1, 2, and 5 have been considered but are moot in view of the new ground(s) of rejection. Upon obtaining the full translation of the Japanese document, the above rejection was deemed warranted. In

addition, this action is non-final because the full translation was obtained and the allowable subject matter of claims 6 and 11 has been withdrawn.

Allowable Subject Matter

4. Claims 3, 4, 7, and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

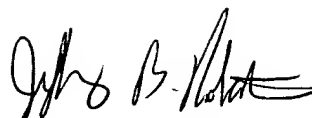
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey B. Robertson whose telephone number is (571) 272-1092. The examiner can normally be reached on Mon-Fri 7:00-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy P. Gulakowski can be reached on (571) 272-1302. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, appearing to read "Jeffrey B. Robertson". The signature is stylized with a large, looped "J" and a long, horizontal stroke at the end.

Jeffrey B. Robertson
Primary Examiner
Art Unit 1712

JBR